

**State of California
FISH AND GAME COMMISSION
(916) 653-4899
http://www.dfg.ca.gov/fg_comm/**

**Meeting of
June 15, 2000 (Thursday)
10:00 a.m.**

**Best Western Truckee Tahoe Inn
11331 Highway 267
Truckee**

SUMMARY OF MEETING

DISCUSSION ITEMS

1. ANNOUNCEMENT OF RESULTS FROM EXECUTIVE SESSION HELD ON MAY 4, 2000.

Commission accepted proposed decisions on the following license and permit items:

Jason Gelsinger - Denied reinstatement of Sea Cucumber Permit.

Martin Kastlunger - Suspended commercial fishing license privileges for one month, but that suspension is stayed for a 3 year period of probation, on condition that no further violations of any statute or regulation related to commercial fishing occur during that three year period.

2. PUBLIC FORUM.

Carl Gustafson spoke about the Truckee population growth and public ownership of wildlife. He opposed deer and bear hunting in the Truckee-Tahoe corridor and waterfowl hunting on Martis Lake. He requested expanding state game refuge 11 (this would require legislation).

Chris Hoeflinger expressed concerns about possible importation of Mexican spiny lobsters from September 15-October 1.

Ray Chambers requested a definition of "landed fish" and where did the official paper trail start for landing receipts.

Commissioner Schuchat provided an update on the California Wildlife Foundation and that they are now funded and operational. He indicated that the MOU was completed but not yet signed and the MOA was in progress. He will be meeting with the Foundation again in late June.

3. COMMISSION STATUS REPORT ON IMPLEMENTATION OF ITS STRATEGIC PLAN.

President Chrisman reviewed the past year and a half public process on the development and implementation of the Commission's Strategic Plan. He indicated the plan's priorities and goals would be reviewed later this year.

4. CONSIDERATION OF PETITION TO LIST THE SAN FERNANDO VALLEY SPINEFLOWER (*Chorizanthe parryi* var. *fernandina*) AS AN ENDANGERED SPECIES CANDIDATE.

Received the Department's recommendation and report; received the petitioner's report and public testimony; Commission found that the petitioned action may be warranted to list the species as an endangered species. The Commission will notice the species as a candidate species and the Department will begin its status review and will provide its report and recommendation regarding listing within 12 months.

5. (A) RECEIPT OF DEPARTMENT ANNUAL REPORT ON SPRING-RUN CHINOOK SALMON. (B) REQUEST TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTION 670.6, TITLE 14, CCR, TO REMOVE SPRING-RUN CHINOOK SALMON FROM THE LIST OF MONITORED SPECIES.

A. Department's report presented by Paul Ward.

B. Commission approved request to publish notice to remove spring-run chinook salmon from the list of monitored species.

6. RECEIPT OF PUBLIC RECOMMENDATIONS FOR CHANGES IN THE RESIDENT AND MIGRATORY UPLAND GAME BIRD REGULATIONS FOR 2000-2002. (Note: The adoption hearing is scheduled for August 4, 2000, in San Luis Obispo.)

Received the Department's proposals and public testimony.

7. RECEIPT OF PUBLIC RECOMMENDATIONS FOR CHANGES IN THE 2000-2002 REGULATIONS FOR STATE AND FEDERAL WILDLIFE AREAS—SECTIONS 550-552, TITLE 14, CCR. (Note: The adoption hearing is scheduled for August 4, 2000, in San Luis Obispo.)

Received the Department's proposals and public testimony.

8. REQUEST OF CHARLES WINKLER, SAN PEDRO, PURSUANT TO SECTION 8606 OF THE FISH AND GAME CODE, FOR AUTHORIZATION OF AN EXPERIMENTAL GEAR PERMIT TO USE TRAPS IN DISTRICT 19B TO HARVEST RED ROCK SHRIMP FOR COMMERCIAL PURPOSES.

Approved request for experimental gear permit, subject to terms and conditions.

9. REQUEST OF GEORGE WALTERS, MERCER ISLAND, WASHINGTON, PURSUANT TO SECTION 8606 OF THE FISH AND GAME CODE, FOR AUTHORIZATION OF AN EXPERIMENTAL GEAR PERMIT TO USE "DOME POTS" IN 300 TO 600 FATHOMS TO HARVEST TANNER CRABS FOR COMMERCIAL PURPOSES.

Approved request for experimental gear permit, subject to terms and conditions.

10. CONSIDERATION OF ADOPTION OF PROPOSED NEW SECTIONS 150 AND 180.4, TITLE 14, CCR, RE: NEARSHORE FISHING AND FINFISH TRAPS.

Received the Department's proposals and public testimony. Commission adopted proposals for a control date of December 31, 1999, and a moratorium on the issuance of new permits. The Commission did not adopt the proposal to allow the use of finfish traps north of Point Arguello to remain baited and actively fished at night. The Department will provide a separate proposal for the finfish trap excluder ring at the Commission's August 24-25, 2000, meeting.

11. RECEIPT OF PUBLIC RECOMMENDATIONS FOR CHANGES IN THE 2000-2001 MIGRATORY GAME BIRD (WATERFOWL) HUNTING REGULATIONS. (Note: Public comments will be received at the Commission's August 4, 2000, meeting in San Luis Obispo. The adoption hearing is scheduled for August 25, 2000, in Oakland.)

Received the Department's proposals; no public testimony.

12. APPROVAL OF 2000-2001 CALIFORNIA DUCK STAMP AND DUCKS UNLIMITED M.A.R.S.H. PROJECTS.

Commission approved projects as presented by the Department.

13. SELECTION OF THE WATERFOWL SPECIES FOR THE 2001-2005 CALIFORNIA DUCK STAMP.

Approved the waterfowl species as proposed by the Department: 2001 - Canvasback; 2002 - Northern Pintail; 2003 - Mallard; 2004 - White-fronted goose; 2005 - Cinnamon Teal.

CONSENT CALENDAR - All Approved.

14. CONSIDERATION OF ADOPTION OF PROPOSED CHANGES TO SECTION 231, TITLE 14, CCR, RE: PROCESSING OF SPORT-CAUGHT FISH.

Approved; no public testimony.

15. CONSIDERATION OF ADOPTION OF PROPOSED CHANGES TO SECTION 235, TITLE 14, CCR, RE: AQUACULTURE REGISTRATION REQUIREMENT TO REGISTER NOVALEK'S BRINE SHRIMP PRODUCTION FACILITIES AS AQUACULTURE FACILITIES.

Approved; no public testimony.

16. REQUEST TO PUBLISH NOTICE OF COMMISSION INTENT TO AMEND SECTIONS 163, 163.5 AND 164, TITLE 14, CCR, RE: COMMERCIAL HERRING FISHERY, PENALTIES IN LIEU OF SUSPENSION OR REVOCATION OF HERRING PERMITS, AND HARVESTING OF HERRING EGGS ON KELP, RESPECTIVELY.

Approved; no public testimony.

17. APPROVAL OF PRIVATE LANDS HABITAT ENHANCEMENT AND WILDLIFE AREA LICENSE (2000-2005) AND 2000-2001 MANAGEMENT PLAN FOR:

- (A) BIG BLUFF RANCH, TEHAMA COUNTY
- (B) BUCKEYE RANCH, SOLANO COUNTY
- (C) BURROWS RANCH, TEHAMA COUNTY
- (D) CARLEY RANCH, MENDOCINO COUNTY
- (E) CARNAZA WILDLIFE MANAGEMENT AREA, SAN LUIS OBISPO COUNTY
- (F) CHRISTENSEN RANCH, MENDOCINO COUNTY
- (G) FIVE DOT RANCH-WILLOW CREEK UNIT, LASSEN COUNTY
- (H) FIVE DOT RANCH-HORSE LAKE UNIT, LASSEN COUNTY
- (I) FOWLER RANCH, LAKE COUNTY
- (J) POTTER VALLEY WILDLIFE MANAGEMENT AREA, MENDOCINO COUNTY
- (K) R MOUNTAIN RANCH, MENDOCINO COUNTY
- (L) ROBINSON CREEK, MENDOCINO COUNTY
- (M) SEVEN SPRINGS, MENDOCINO COUNTY
- (N) SHEEP THIEF CREEK RANCH, STANISLAUS COUNTY
- (O) STEWART RANCH, TRINITY COUNTY
- (P) SUMMER CAMP, MENDOCINO COUNTY
- (Q) WHITE CLOUD RESOURCES, MENDOCINO COUNTY

Approved; no public testimony.

18. APPROVAL OF ANNUAL REPORT AND 2000-2001 PRIVATE LANDS HABITAT ENHANCEMENT AND WILDLIFE AREA PLANS FOR:

- (A) BLACK RANCH, SHASTA COUNTY
- (B) CEDAR CANYON WILDLIFE MANAGEMENT AREA, SAN LUIS OBISPO CO.
- (C) CLARKS VALLEY-RED ROCK RANCH, LASSEN COUNTY
- (D) CONNOLLY RANCH & CORRAL HOLLOW RANCH, SAN JOAQUIN, ALAMEDA COS.
- (E) DILLON LAKE RANCH, LASSEN COUNTY
- (F) EDEN VALLEY RANCH, MENDOCINO COUNTY
- (G) FIVE DOT RANCH-AVILA UNIT, LASSEN COUNTY
- (H) HC RANCH, MODOC COUNTY
- (I) LONE RANCH, SAN BENITO COUNTY
- (J) LOOKOUT RANCH, MODOC COUNTY
- (K) MARTIN RANCH, MENDOCINO COUNTY
- (L) MEISSNER RANCH, SHASTA COUNTY
- (M) MILLER/ERIKSEN RANCH, MENDOCINO COUNTY
- (N) PBM FARMS, SISKIYOU COUNTY
- (O) PRATHER RANCH, SISKIYOU COUNTY
- (P) RANCHO GARATE RANCH, LASSEN COUNTY

- (Q) RATLIFF RANCH, LASSEN COUNTY
- (R) ROOSTER COMB RANCH, STANISLAUS COUNTY
- (S) SCHNEIDER RANCH, MENDOCINO COUNTY
- (T) SHAMROCK RANCH, MENDOCINO COUNTY
- (U) SPANISH SPRINGS RANCH, LASSEN COUNTY
- (V) TEJON RANCH, KERN COUNTY
- (W) WORK RANCH, MONTEREY COUNTY

(Applications submitted for the above two items have been analyzed by Department staff and a determination has been made that they are within the scope of the Hunting Program Environmental Documents prepared for the affected species pursuant to the California Environmental Quality Act.)

Approved; no public testimony.

- 19. REQUEST OF MARTIN STRAIN, POINT REYES OYSTER COMPANY, TOMALES, FOR AMENDMENTS TO AQUACULTURE LEASES M-430-14 AND M-430-17.

Approved; no public testimony.

- 20. REQUEST OF JOHNSON OYSTER COMPANY, INVERNESS, FOR ASSIGNMENT OF AQUACULTURE LEASES NO. M-438-01 AND M-438-02, DRAKES ESTERO, MARIN COUNTY.

Approved; no public testimony.

- 21. REQUEST OF STEPHEN OSBORNE, WHITEFISH, MONTANA, TO APPEAL DEPARTMENT DENIAL OF APPLICATION FOR A CAPTIVE REPTILE BREEDING PERMIT.

Approved; no public testimony.

- 22. DEPARTMENT REQUEST FOR AUTHORIZATION TO ACCEPT THE DUFFEL CONSERVATION EASEMENT, SANTA BARBARA COUNTY; THE TESORO HIGH SCHOOL CONSERVATION EASEMENT, ORANGE COUNTY; THE WHELAN RANCH CONSERVATION BANK, SAN DIEGO COUNTY; AND THE DEPARTMENT OF TRANSPORTATION (CALTRANS) FEE TITLE TRANSFER OF 702.51 ACRES IN SAN DIEGO COUNTY.

Approved; no public testimony.

OTHER

- 23. RECEIPT OF DEPARTMENT LEGISLATIVE REPORT.

Received the Department's oral and written report from Deputy Director Bunn. He highlighted the Department's priority bills.

24. RECEIPT OF DEPARTMENT INFORMATIONAL ITEMS.

A. STATUS REPORT ON THE PENDING FEDERAL CONSERVATION AND REINVESTMENT ACT (CARA) LEGISLATION.

Deputy Director Brazil provided an update that the bill was now in the Senate and was moving along with an estimated mockup on June 27.

B. UPDATE ON DEPARTMENT BUDGET AND FUNDING ALTERNATIVES.

Director Hight and Deputy Director Brazil provided an update on the Department's budget which was up \$100 M and 200 PY's, including 39 positions for administration, 25 positions for CEQA review, 60 warden positions, and 76 positions for the Habitat Conservation Division.

C. UPDATE ON ORPHANED BEAR CUB REHABILITATION PROCEDURES.

Deputy Director Mansfield provided an update and reported that there was interim approval to rehab bear cubs at a local rehabilitation facility in the Lake Tahoe Area. He indicated the management team was looking at biological basis for a bear recovery program for release with natural cycle times instead of estimated weight. He reported that the Department was working with stakeholders to improve the process for the benefit of the bear cubs. Received public testimony, which was supportive of the progress being made on this issue.

D. UPDATE ON PUBLIC INVOLVEMENT MEETINGS RE: POTENTIAL COMMERCIAL NEARSHORE FISHERY REGULATIONS.

Connie Ryan provided the Department's update on the small group constituent's meetings. She highlighted a list of potential management measurements and that eight out of 13 group meetings have been completed with five additional meetings scheduled for the week of June 19. Received public testimony.

E. UPDATE ON STATUS OF BOARD OF FORESTRY FOREST PRACTICE RULES FOR WATERSHED ASSESSMENT.

LB Boydstun reported that the Board was considering a "Preliminary Watershed Evaluation Mitigation Plan" with a committee meeting scheduled for June 21. He also reported that the Board is: considering extending the interim rules that are due to sunset December 31, 1999, to December 31, 2001; issue a 15-day notice for a hearing on the Coho Consideration; and their next meeting is July 12-13 in Ukiah.

F. PRELIMINARY REPORT ON THE EFFECTS OF MECHANICAL DUCK DECOYS ON WATERFOWL POPULATIONS. (A more complete report will be provided at the Commission's August 4, 2000, meeting in San Luis Obispo.)

Dan Yparraguirre provided the Department's update on the effects of mechanical duck decoys and will provide more information as it becomes available.

G. UPDATE ON BIG GAME WORKSHOPS.

Sonke Mastrup provided a summary report and indicated that the first Big Game workshop was scheduled for July 24 in Chico. It will be the first of 13 meetings with the final meeting to be scheduled in November. Once the schedule is finalized it will be available on the Department's web-site.

25. RECEIPT OF COMMISSION INFORMATIONAL ITEMS.

A. SUBCOMMITTEE REPORTS.

I. SOUTHERN CALIFORNIA COUNTY FISH AND GAME COMMISSIONS MEETING.

President Chrisman, as well as John Duffy of the Commission office, attended the Southern California County Fish and Game Commissions meeting and reported on the excellent exchange of information. They reported the counties were in favor of expanding the frequency and structure of the meetings to be more substantive.

II. SAN JOAQUIN VALLEY AND SOUTHERN SIERRA REGION HUNTER EDUCATION CONFERENCE.

President Chrisman reported on the conference which was hosted by Bill Loudermilk, representing the San Joaquin Valley and Southern Sierra Region.

III. JOINT MEETING WITH BOARD OF FORESTRY.

President Chrisman provided a report on the May 2-3 joint meeting in Bass Lake.

IV. MARINE SUBCOMMITTEE.

There was no meeting; therefore, nothing to report.

B. STAFF REPORTS.

I. RAPT UPDATE.

Mike Weber provided an update on the pink shrimp fishery, how to set a capacity goal for a fishery and discussed a draft guide to the MLMA.

26. RECEIPT OF FEDERAL AGENCIES INFORMATIONAL ITEMS.

There were no Federal Agencies informational items.

27. RECEIPT OF LEGAL COUNSEL INFORMATIONAL ITEMS.

There were no Legal Counsel informational items.

EXECUTIVE SESSION
(NOT OPEN TO PUBLIC)

PURSUANT TO THE AUTHORITY OF GOVERNMENT CODE SECTION 11126(a)(1) and (e)(1), AND SECTION 309 OF THE FISH AND GAME CODE, THE COMMISSION WILL MEET IN CLOSED EXECUTIVE SESSION. THE PURPOSE OF THIS EXECUTIVE SESSION IS TO CONSIDER:

A. PENDING LITIGATION TO WHICH THE COMMISSION IS A PARTY:

- I. WILLIAM WILLIAMSON vs. CITY OF MONTEREY; RE: CITY OF MONTEREY KELP HARVESTING ORDINANCE NO. 3242, FISH AND GAME COMMISSION NAMED AS REAL PARTY IN INTEREST.
- II. JEFFREY LEE COX vs. FISH AND GAME COMMISSION; RE: REVOCATION OF COMMERCIAL FISHING LICENSE PRIVILEGES.
- III. TERRENCE MINES vs. FISH AND GAME COMMISSION; RE: DENIAL OF COMMERCIAL LOBSTER OPERATOR'S PERMIT.
- IV. DENNIS STURGELL vs. FISH AND GAME COMMISSION; RE: DENIAL OF COMMERCIAL DUNGENESS CRAB VESSEL PERMIT.
- V. ASSOCIATION OF ROUND HAUL HERRING FISHERMEN vs. FISH AND GAME COMMISSION; RE: PHASE OUT OF ROUND HAUL PERMITS.
- VI. MONTEREY BAY SQUID PACKERS vs. FISH AND GAME COMMISSION; RE: WEEKEND CLOSURE OF COMMERCIAL FISHING FOR SQUID SOUTH OF POINT CONCEPTION.

B. POSSIBLE LITIGATION INVOLVING THE COMMISSION.

C. STAFF PERFORMANCE AND COMPENSATION.

D. RECEIPT OF HEARING OFFICER RECOMMENDATIONS ON LICENSE AND PERMIT ITEMS AND ADOPTION OF COMMISSION FINDINGS FOR:

- I. DALE CRUMP, HARBOR, OREGON, RE: PINK SHRIMP TRAWL VESSEL PERMIT.
- II. GORDON DAILY, SANTA BARBARA, RE: MARKET SQUID VESSEL PERMIT.
- III. WILLIAM IVERSON, SAN DIEGO, RE: FINFISH TRAP PERMIT.
- IV. JOHNNY PATRICK KELLEY, SUNNYSIDE, NEW YORK, RE: SUSPENSION OF COMMERCIAL FISHING LICENSE PRIVILEGES.
- V. STEVEN M. MARDESICH, SAN PEDRO, RE: LOBSTER OPERATOR PERMIT.

- VI. MICHAEL MCLENAGHAN, OXNARD, RE: MARKET SQUID VESSEL PERMIT.
 - VII. TERRY POPOVICH, MORRO BAY, RE: FINFISH TRAP PERMIT.
 - VIII. SAM SHROUT, SANTA BARBARA, RE: SEA URCHIN DIVING PERMIT.
 - IX. TODD MACDONALD, ARNOLD, RE: SEA URCHIN DIVING PERMIT.
 - X. JOE F. ALIOTTI, MONTEREY, RE: SUSPENSION OF COMMERCIAL HERRING PERMIT.
 - XI. ERIC HAMILTON, KETCHIKAN, ALASKA, RE: SEA URCHIN DIVING PERMIT.
 - XII. KENNETH R. LUDWIG, REDWOOD CITY, RE: WAIVER OF THE COMMERCIAL SEA URCHIN LANDING REQUIREMENTS.
 - XIII. SAM N. MERCURIO, MONTEREY, RE: SUSPENSION OF COMMERCIAL HERRING PERMIT.
 - XIV. JOHN R. ROLEY, ARCATA, RE: WAIVER OF FINFISH LANDING REQUIREMENTS.
 - XV. SCOTT VANCE, GUERNEVILLE, RE: WAIVER OF COMMERCIAL SEA URCHIN LANDING REQUIREMENTS.
 - XVI. KAREN WALSH, GUERNEVILLE, RE: WAIVER OF COMMERCIAL SEA URCHIN LANDING REQUIREMENTS.
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